

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 121

# **HOUSE BILL 2530**

AN ACT

AMENDING SECTION 28-693, ARIZONA REVISED STATUTES; RELATING TO RECKLESS  
DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-693, Arizona Revised Statutes, is amended to  
3 read:

4 28-693. Reckless driving; classification; license; surrender

5 A. A person who drives a vehicle in reckless disregard for the safety  
6 of persons or property is guilty of reckless driving.

7 B. A person convicted of reckless driving is guilty of a class 2  
8 misdemeanor.

9 C. In addition, the judge may require the surrender to a police  
10 officer of any driver license of the convicted person, shall report the  
11 conviction to the department and may order the driving privileges of the  
12 person to be suspended for a period of not more than ninety days. On receipt  
13 of the abstract of conviction and order, the department shall suspend the  
14 driving privilege of the person for the period of time ordered by the judge.

15 D. If a person who is convicted of a violation of this section has  
16 been previously convicted of a violation of this section, section 13-1102 or  
17 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or  
18 section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four  
19 months:

20 1. The person is guilty of a class 1 misdemeanor.

21 2. The person is not eligible for probation, pardon, suspension of  
22 sentence or release on any basis until the person has served not less than  
23 twenty days in jail.

24 3. The judge may require the surrender to a police officer of any  
25 driver license of the person and shall immediately forward the abstract of  
26 conviction to the department.

27 4. On receipt of the abstract of conviction, the department shall  
28 revoke the driving privilege of the person.

29 ~~E. The dates of the commission of the offense are the determining~~  
30 ~~factor in applying subsection D of this section.~~ IN APPLYING THE TWENTY-FOUR  
31 MONTH PERIOD PROVISION OF SUBSECTION D OF THIS SECTION, THE DATES OF THE  
32 COMMISSION OF THE OFFENSE SHALL BE THE DETERMINING FACTOR, IRRESPECTIVE OF  
33 THE SEQUENCE IN WHICH THE OFFENSES WERE COMMITTED. A second or subsequent  
34 violation for which a conviction occurs as provided in this section does not  
35 include a conviction for an offense arising out of the same series of acts.

36 F. On pronouncement of a jail sentence under this section, and after  
37 the court receives confirmation that the person is employed or is a student,  
38 the court may provide in the sentence that if the defendant is employed or is  
39 a student the defendant can continue employment or schooling for not more  
40 than twelve hours per day nor more than five days per week. The defendant  
41 shall spend the remaining days or parts of days in jail until the sentence is  
42 served and shall be allowed out of jail only long enough to complete the  
43 defendant's actual hours of employment or schooling.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.